

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #9	CCRB Case #: 201709912	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/28/2017 11:42 AM	Location of Incident: walkway behind 82-01 Beach Channel Drive	Precinct: 100	18 Mo. SOL 5/28/2019	EO SOL 5/28/2019	
Date/Time CV Reported Thu, 11/30/2017 11:57 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/30/2017 11:57 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Ronan	8395	956218	100 PCT
2. POM Daniel Manetta	11047	956069	100 PCT
3. POM Shane Wynn	14864	956340	100 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Borst	29701	950092	TB DT23
2. POM Michael Frasca	7936	955927	100 PCT
3. POM Charles Volante	14858	956322	100 PCT
4. POM Jason Farrell	19867	943219	100 PCT
5. POM Joseph Joy	14669	956013	100 PCT
6. POM Angelo Santaniello	14576	956234	100 PCT
7. SGT Matthew Schiraldi	02447	944991	100 PCT
8. POM Elie Milien	20354	931828	TB DT23
9. POM Louis Saggio	20406	947448	100 PCT
10. POM Jonathan Eggers	10715	940122	100 PCT
11. POM Robert Yeaman	22667	951454	100 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Manetta	Abuse: Police Officer Daniel Manetta stopped § 87(2)(b)	
B.POM Andrew Ronan	Abuse: Police Officer Andrew Ronan stopped § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
C.POM Shane Wynn	Abuse: Police Officer Shane Wynn stopped § 87(2)(b)	
D.POM Daniel Manetta	Abuse: Police Officer Daniel Manetta stopped § 87(2)(b)	
E.POM Andrew Ronan	Abuse: Police Officer Andrew Ronan stopped § 87(2)(b)	
F.POM Shane Wynn	Abuse: Police Officer Shane Wynn stopped § 87(2)(b)	
G.POM Daniel Manetta	Abuse: Police Officer Daniel Manetta stopped § 87(2)(b)	
H.POM Andrew Ronan	Abuse: Police Officer Andrew Ronan stopped § 87(2)(b)	
I.POM Shane Wynn	Abuse: Police Officer Shane Wynn stopped § 87(2)(b)	
J.POM Daniel Manetta	Force: Police Officer Daniel Manetta struck § 87(2)(b) with a blunt instrument.	
K.POM Andrew Ronan	Force: Police Officer Andrew Ronan struck § 87(2)(b) with a blunt instrument.	
	§ 87(4-b), § 87(2)(g)	

### **2033Case Summary**

On November 30, 2017 § 87(2)(b) (who was ultimately deemed uncooperative with the investigation) filed this complaint with the CCRB via telephone. On December 1, 2017, § 87(2)(b) appeared at the CCRB to file a duplicate complaint and provided a sworn statement about the incident.

On November 28, 2017 at approximately 11:42 a.m. in the vicinity of 82-01 Beach Channel Drive in Queens, PO Daniel Manetta, PO Andrew Ronan, and PO Shane Wynn, all of the 100<sup>th</sup> Precinct, allegedly stopped § 87(2)(b) and § 87(2)(b) (**Allegations A through F: Abuse of Authority, § 87(2)(g)**). Immediately after releasing § 87(2)(b) and § 87(2)(b) the three officers stopped § 87(2)(b) at the same location (**Allegations G through I: Abuse of Authority, § 87(2)(g)**). The officers handcuffed § 87(2)(b) and placed him inside a police vehicle, where he lay with his feet hanging out the open door. PO Manetta and PO Ronan allegedly slammed the door of the vehicle on § 87(2)(b)'s feet (**Allegations J and K: Force, § 87(2)(g)**). § 87(2)(b) and a companion, § 87(2)(b) were arrested. § 87(4-b), § 87(2)(g)

There was mobile phone video footage of a portion of this incident (01 Board Review).

### **Findings and Recommendations**

**Allegation (A) Abuse of Authority: Police Officer Daniel Manetta stopped § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Andrew Ronan stopped § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Shane Wynn stopped § 87(2)(b)**

**Allegation (D) Abuse of Authority: Police Officer Daniel Manetta stopped § 87(2)(b)**

**Allegation (E) Abuse of Authority: Police Officer Andrew Ronan stopped § 87(2)(b)**

**Allegation (F) Abuse of Authority: Police Officer Shane Wynn stopped § 87(2)(b)**

In his sworn statement to the CCRB (02 Board Review), § 87(2)(b) stated that he was walking on the walkway through the Hammel Houses in the direction of § 87(2)(b) when he observed three officers (identified by the investigation as PO Manetta, PO Ronan, and PO Wynn) speaking to two male individuals (identified by the investigation as § 87(2)(b) and § 87(2)(b) did not closely observe the interaction between the male individuals and the officers. The officers returned to their vehicle, and the male individuals began walking away from the scene.

In a telephone statement to the CCRB (03 Board Review), § 87(2)(b) (who was ultimately deemed uncooperative with the investigation after failing to appear for a scheduled appointment or to respond to multiple subsequent letters and telephone calls) stated that he was walking with § 87(2)(b) on the walkway through the Hammel Houses when they were approached by

multiple officers. The officers asked § 87(2)(b) if he resided within the Hammel Houses and requested his identification in order to verify this. The officers also conducted a frisk of § 87(2)(b). Upon verifying § 87(2)(b)'s address, the officers left § 87(2)(b) and § 87(2)(b). § 87(2)(b) subsequently learned that § 87(2)(b) had been previously forbidden to enter the area in which the officers had approached them.

In a telephone statement to the CCRB (04 Board Review), § 87(2)(b) stated that he observed two male individuals, identified by the investigation as § 87(2)(b) and § 87(2)(b) speaking to three officers in the vicinity of 82-03 Hammels Boulevard. § 87(2)(b) stated that he could not hear any conversation between the male individuals and the officers, and that he did not see the officers do anything besides speak to them. § 87(2)(b) stated that the officers then entered their vehicle and drove a short distance away.

In a telephone statement to the CCRB (05 Board Review), § 87(2)(b) stated that he observed multiple officers review the identification cards of two male individuals, identified by the investigation as § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) (06 Board Review) and § 87(2)(b) (07 Board Review), both of whom observed portions of the ensuing incident and provided telephone statements to the investigation, did not observe PO Manetta, PO Ronan, and PO Wynn interacting with § 87(2)(b) and § 87(2)(b) who was with § 87(2)(b) at the time he witnessed this portion of the incident, was deemed uncooperative with the investigation after missing multiple scheduled appointments and failing to respond to multiple telephone calls and letters. The investigation was unable to establish contact with § 87(2)(b) despite sending multiple letters to his mailing address (as provided by § 87(2)(b)).

Audits of the NYPD's warrant check system did not reveal any warrant checks conducted by PO Manetta, PO Ronan, or PO Wynn on the date of the incident (08 Board Review; 09 Board Review).

Neither PO Manetta, nor PO Ronan, nor PO Wynn had any memo book entries documenting a stop of § 87(2)(b) and § 87(2)(b) (10 Board Review; 11 Board Review; 12 Board Review). In their statements to the CCRB, PO Manetta (14 Board Review), PO Ronan (15 Board Review), and PO Wynn (16 Board Review) all stated that they did not recall interacting with § 87(2)(b) and § 87(2)(b) on the date of the incident. PO Manetta and PO Ronan further stated that they were not familiar with § 87(2)(b) or § 87(2)(b). PO Wynn stated that he was familiar with both individuals, but had no memory of interacting with them on the date of incident.

§ 87(2)(g)

§ 87(2)(g)

**Allegation (G) Abuse of Authority: Police Officer Daniel Manetta stopped** § 87(2)(b)

**Allegation (H) Abuse of Authority: Police Officer Andrew Ronan stopped** § 87(2)(b)

**Allegation (I) Abuse of Authority: Police Officer Shane Wynn stopped** § 87(2)(b)

In his sworn statement to the CCRB, § 87(2)(b) stated that, while he walking on the walkway through the Hammel Houses with § 87(2)(b) they walked past the police vehicle parked on the walkway to which PO Manetta, PO Ronan, and PO Wynn had retired after speaking to § 87(2)(b) and § 87(2)(b). Shortly after passing this vehicle, § 87(2)(b) spat on the walkway. The vehicle pulled up behind him and the three officers exited. An officer (identified by the investigation as PO Manetta) approached § 87(2)(b) and, without saying anything, seized hold of § 87(2)(b)'s wrist.

In telephone statements to the CCRB, § 87(2)(b) and § 87(2)(b) stated that an officer (identified by the investigation as PO Manetta) approached § 87(2)(b) and, without saying anything, seized hold of his arm.

In telephone statements to the CCRB, § 87(2)(b) and § 87(2)(b) stated that the officers approached § 87(2)(b) and spoke to him before making physical contact.

In their statements to the CCRB, PO Manetta, PO Ronan, and PO Wynn were consistent in stating that they observed § 87(2)(b) spit on the walkway, which constituted a health code violation. The officers stated that they collectively decided to stop § 87(2)(b) to address this violation (PO Ronan and PO Wynn specified that they planned to issue him a summons; PO Manetta stated that he was not sure what actions he and his partners had initially intended to take). The officers further stated that they had recognized neither § 87(2)(b) nor § 87(2)(b) and had no other reasons for approaching § 87(2)(b) besides the health code violation. The officers stated that PO Manetta approached § 87(2)(b) verbally requested his identification, and stretched out his hand to receive it. § 87(2)(b) immediately slapped PO Manetta's hand.

Section 16-118 of the New York City Administrative Code states that "No person shall spit upon a sidewalk of a street or public place" (17 Board Review).

§ 87(2)(g)

**Allegation (J) Force: Police Officer Daniel Manetta struck § 87(2)(b) with a blunt instrument.**

**Allegation (K) Force: Police Officer Andrew Ronan struck § 87(2)(b) with a blunt instrument.**

In his sworn statement to the CCRB, § 87(2)(b) stated that, after PO Manetta seized hold of his wrist, he jerked his hand away. The officers then handcuffed § 87(2)(b) (despite his resisting by stiffening his arms in front of his torso) and carried him to a police vehicle and placed him on his back on the rear seat (after he failed to comply with commands to enter the vehicle). § 87(2)(b) stated that he lay in this position with his feet hanging out the open door. After an officer had attempted to rotate § 87(2)(b)'s foot and place it inside the vehicle, and after § 87(2)(b) had failed to pull in his feet with his own power, officers (determined by the investigation to correspond to PO Manetta and PO Ronan) attempted to close the door, striking § 87(2)(b)'s feet multiple times. § 87(2)(b) then began to kick the door before pulling his feet inside, enabling the officers to fully close the door.

In their telephone statements to the CCRB, § 87(2)(b) and § 87(2)(b) stated that, after § 87(2)(b) had been placed in the vehicle, his feet and ankles were hanging out the open door of the vehicle. An officer or officers slammed the door several times, striking § 87(2)(b)'s feet, before the door was fully closed.

In their telephone statements to the CCRB, § 87(2)(b) and § 87(2)(b) stated that, while they did not see the door strike § 87(2)(b)'s foot, they heard him scream, apparently in pain, at the approximate time that the door of the vehicle was closed.

§ 87(2)(b) furnished the investigation with a short video of a portion of this incident. § 87(2)(b) stated that this video was filmed by § 87(2)(b) on his mobile phone (although § 87(2)(b) denied filming any video when he provided a telephone statement to the CCRB). As the video opens, a male individual (apparently the one filming) is heard saying, "Why are you all slamming his feet like that, though? But why are you all slamming his feet like that in the door?" The video shows that the rear passenger door of a marked police vehicle is ajar approximately four inches, that one of § 87(2)(b)'s boots is sandwiched between the doorframe and the door, and that PO Manetta and PO Ronan are pressing down on the door, apparently to prevent § 87(2)(b) from moving his foot. It is not clear if the statement, "Why are you all slamming his feet in the door?" refers to this action, or to actions that the officers took immediately prior to the beginning of the video. The video shows § 87(2)(b) kicking his other foot out the door through the crack. The video ends with the door part way ajar and § 87(2)(b)'s legs protruding through the opening.



§ 87(2)(b) video.mov

In his statement to the CCRB, PO Manetta stated that, after § 87(2)(b) had entered the vehicle, he sat with his feet hanging out the open door and did not pull them inside. PO Manetta attempted to use his hands to place § 87(2)(b)'s feet inside the vehicle. PO Manetta denied that he or any other officer slammed the door on § 87(2)(b)'s feet. When shown the video furnished by § 87(2)(b), PO Manetta affirmed that the video showed him holding the door against § 87(2)(b)'s feet to prevent him from kicking.

In his statement to the CCRB, PO Ronan stated that, after § 87(2)(b) was placed in the vehicle, he prevented the officers from closing the door by placing his feet outside the doorframe and kicking outwards. Officers closed the door approximately three quarters of the way, making contact with § 87(2)(b)'s feet. PO Ronan denied that he or any other officer slammed the door on § 87(2)(b)'s feet. PO Ronan stated that he did not recall how the door was ultimately closed, but speculated that an officer used his hands to place § 87(2)(b)'s feet inside the vehicle before the door was closed.

In his statement to the CCRB, PO Wynn stated that he was standing a significant distance away from § 87(2)(b) at the time that he was placed in the police vehicle, and that there were multiple vehicles obstructing his view of § 87(2)(b) being placed in the vehicle. PO Wynn stated that he heard a “commotion,” but did not see the door of the vehicle slammed on § 87(2)(b)'s foot. PO Wynn affirmed that, from his vantage point, he would not have been able to see this if it had occurred.

In his statement to the CCRB (18 Board Review), PO Angelo Santaniello (who arrived on the scene after § 87(2)(b) was handcuffed) affirmed that he did not closely watch § 87(2)(b)'s being placed in the police vehicle because he was engaged in crowd control. PO Santaniello recalled that § 87(2)(b) was lying down on the rear seat of the vehicle and that § 87(2)(b) initially prevented the door from being closed, but PO Santaniello did not recall any specific actions that § 87(2)(b) took. PO Santaniello did not know if any officer slammed the door of the vehicle on § 87(2)(b)'s feet, and affirmed that he would not necessarily have been in a position to see this if it had occurred. When shown the video furnished by § 87(2)(b), PO Santaniello affirmed that he had not witnessed PO Manetta and PO Ronan press the partially-closed door against § 87(2)(b)'s feet. After § 87(2)(b) was placed in the vehicle, PO Santaniello drove him to the 100 Precinct stationhouse. § 87(2)(b) did not complain of the door being slammed on his feet during the transport.

The Threat, Resistance, or Injury worksheets prepared by PO Manetta, PO Ronan, and PO Wynn (19 Board Review; 20 Board Review; 21 Board Review) do not document that the door of a vehicle was slammed on § 87(2)(b) s feet.

§ 87(2)(b) s medical records for the date of incident, obtained from § 87(2)(b), document that he reported aching to his left ankle and was diagnosed with a contusion and swelling. The medical records further state, “Pt § 87(2)(b) states he was forced into a cop car and tried to resist resulting him [sic] hurting his L wrist and L ankle.” The medical records do not state specifically that § 87(2)(b) complained of a vehicle door being slammed on his ankle.

§ 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]



§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] or § 87(2)(b) [REDACTED] has been a party (25 Board Review; 26 Board Review; 27 Board Review; 28 Board Review).
- PO Daniel Manetta has been a member of the NYPD for four years and has been a subject in three CCRB complaints and five allegations of which none were substantiated. PO Manetta is listed as a subject officer in open CCRB complaint number 201801175. In this complaint, a stop allegation has been pleaded against PO Manetta. § 87(2)(g) [REDACTED]
- PO Andrew Ronan has been a member of the NYPD for four years and has been a subject in three CCRB complaints and five allegations of which none were substantiated. § 87(2)(g) [REDACTED]
- PO Shane Wynn has been a member of the NYPD for four years and has been a subject in three CCRB cases and nine allegations of which none were substantiated. § 87(2)(g) [REDACTED]

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) § 87(2)(c) [REDACTED]
- § 87(2)(b) § 87(2)(c) [REDACTED]

§ 87(2)(b) § 87(2)(c) [Redacted]  
[Redacted]

- § 87(2)(b) § 87(2)(c) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]
- § 87(2)(b) § 87(2)(c) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]
- This complaint was not suitable for mediation.

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date